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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,662	06/15/2001	Kenji Tsukada	Q64982	6948

7590 04/22/2003

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EXAMINER

VO, ANH T N

ART UNIT

PAPER NUMBER

2861

DATE MAILED: 04/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b>	Application No. <b>09/881,662</b>	Applicant(s) <b>TSUKADA ET AL.</b>
	Examiner <b>Anh T. N. Vo</b>	Art Unit <b>2861</b>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED Apr 7, 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid the abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

THE PERIOD FOR REPLY [check only a) or b)]

a)  The period for reply expires 3 months from the mailing date of the final rejection.

b)  The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1.  A Notice of Appeal was filed on \_\_\_\_\_ . Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2.  The proposed amendment(s) will not be entered because:
  - (a)  they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b)  they raise the issue of new matter (see NOTE below);
  - (c)  they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d)  they present additional claims without canceling a corresponding number of finally rejected claims.

**NOTE:**

3.  Applicant's reply has overcome the following rejection(s):

4.  Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5.  The a)  affidavit, b)  exhibit, or c)  request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
*See Continuation Sheet.*

6.  The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7.  For purposes of Appeal, the proposed amendment(s) a)  will not be entered or b)  will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

**Claim(s) allowed:**

Claim(s) objected to:

Claim(s) rejected: 1-37

Claim(s) withdrawn from consideration:

8.  The proposed drawing correction filed on \_\_\_\_\_ is a)  approved or b)  disapproved by the Examiner.  
9.  Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). 15

ANH T.N. VO  
PRIMARY EXAMINER 4/13

Continuation of 5. does NOT place the application in condition for allowance because the prior art remains readable on the rejected claims.

The applicant argues that the extended well 310 of Lichte is part of the container 300 and is not part of the transducer 110, and the openings 54 of Walker are formed in the housing 32 and are not part of the piezoelectric device. The arguments are not persuasive because there is nothing stated in the rejected claims that the cavity is a part of the transducer. For example, claim 1 recites that the piezo electric device is provided with a cavity connecting to an inside of the liquid container but does not clearly recite the providing source. Therefore, the claimed cavity is read on the extended well 310 of Lichte and the openings 54 of Walker because the extended well 310 is provided for the transducer by the container and the openings 54 are provided for the transducer by the housing 32.

The applicant argues that dependent claims 2-13, 15-18 and 20-37 are not addressed. The argument is not persuasive because a limitations recited in these claims are clearly shown in Hara et al and Lichte. For example, the steps of reducing pressure, charging liquid, sucking or removing an air as recited in the claims are shown on Figure 17 of Hara et al. Wherein the steps of reducing the pressure and charging the ink are executed within the pressure reducing container 43, air in the liquid container 41a is removed through the air hole 50, charging the liquid is performed by the ink source (58) or the charging ink is executed while keeping the liquid container warm (10 to 20 degrees), see column 10, lines 28, 38 in the Hara et al reference. Also, the method steps are inherently taught in the apparatus device/limitation of the prior art.